

DEC 08 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takashi KOBAYASHI, *et al.* Group Art Unit: 2826
 Serial No.: 10/646,590 Examiner: V. Mandala
 Filed: 22 August 2003 Attorney Docket No.: FUJI:200A
 For: SEMICONDUCTOR DEVICE

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To Obviate Double Patenting Rejection

Sir:

FUJI ELECTRIC DEVICE TECHNOLOGY CO., LTD. (hereafter ASSIGNEE) is the sole owner of the entire right, title, and interest in the instant application and pending reference application SN. 10/170,216, filed on June 12, 2002 by virtue of an Assignment from FUJI ELECTRIC HOLDINGS CO., LTD.(renamed from FUJI ELECTRIC CO., LTD.). See the Assignment Recordation documents filed concurrently herewith.

ASSIGNEE disclaims, except as provided below, the terminal part of the statutory term of a patent (hereafter "Patent A") granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156, as presently shortened by any terminal disclaimer, of a patent (hereafter "Patent B") granted on the pending reference application.

ASSIGNEE also agrees that Patent A is to be enforceable only for and during the period in which Patents A and B are commonly owned. This agreement is to run with Patent A and is to

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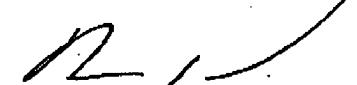
be binding upon the grantee or its successors or assigns.

In making the above disclaimer, however, ASSIGNEE does not disclaim any terminal part of the term of Patent A that would extend the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154-156, of Patent B, as shortened by any terminal disclaimer filed before Patent B is granted, when Patent B: expires for failure to pay any maintenance fee, is held unenforceable, is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or otherwise under 37 CFR §1.321, has all claims canceled by a reexamination certificate or as a result of an interference proceeding, is reissued, or is in any manner terminated, or otherwise deemed not to provide the rights conveyed by 35 U.S.C. § 154, before the expiration of its full statutory term as defined by 35 U.S.C. §§ 154-156, as shortened by any terminal disclaimer filed before its grant.

The undersigned is an Attorney of Record of this application.

Respectfully submitted,

Date: 12/08/04



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